

Exhibit C

From: Del Kolde <dkolde@ifs.org>
Sent: Wednesday, January 24, 2024 2:35 PM
To: Glover, Joel; Dow, Matt
Cc: Babcock, Chip; Aston, Adam; Vaughn, Cody; Barake, Gabriela; Gonzalez, Javier; Courtney Corbello; Nathan Ristuccia; michael@lovinslaw.com
Subject: Lowery v. Mills - Redline of Amended Complaint 01-24-2024
Attachments: Amended Complaint Redline 01-24-2024.pdf

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Joel and Defense Team:

Attached is the latest version of the amended complaint in a redline format. This version makes only minor changes from what we sent you last week and it corrects the signature block.

Unless we uncover new evidence or catch any further typos, this is the version we intend to attach to our motion to amend the complaint, when that is filed and after you tell us that you won't agree to let us amend, which we all know will happen.

Thanks.

Del Kolde
Senior Attorney
Institute for Free Speech

From: Del Kolde
Sent: Tuesday, January 23, 2024 13:08
To: Glover, Joel <jglover@jw.com>
Cc: Babcock, Chip <cbabcock@jw.com>; Dow, Matt <mdow@jw.com>; Aston, Adam <aaston@jw.com>; Vaughn, Cody <cvaughn@jw.com>; Barake, Gabriela <gbarake@jw.com>; Gonzalez, Javier <jgonzalez@jw.com>; Courtney Corbello <ccorbello@ifs.org>; Nathan Ristuccia <nristuccia@ifs.org>; michael@lovinslaw.com
Subject: RE: UT/Lowery - Draft Complaint/Scope of Discovery/Mills Depo

Dear Joel:

Plaintiff is unwilling to agree to UT's unilateral cancellation of the Mills depo, which has been on the books since Dec. 4. The reason provided for that in your email is legally insufficient, and you must be aware that under Rule 37, filing a motion for protective order may preclude sanctions, but it does not relieve Mills of the duty to show up for her properly noted deposition on Jan. 29. Mills needs to show up or face the consequences.

The parties clearly disagree about the relevance of the nepotism allegations and how they relate to the case and Lowery's opinion about Jay Hartzell's honesty. But, setting aside that disagreement, my questions about the nepotism allegations were a relatively small part of both the Titman and Burris depositions. In the Burris depo, I asked around twenty questions related to this issue during the last ten minutes of what was about a six-hour deposition.

Although we view the threat to cancel the Mills depo as pretext to deprive us of evidence of Hartzell's involvement with the campaign to pressure Lowery, we are offering the following compromise. We proceed with the deposition as scheduled, and I ask questions about all other topics, saving the nepotism questions to the end. You can then object, make your record, and assuming a motion for protective order has been filed, break off the deposition at that point, subject to the court's later ruling. That would allow us to ask 95+% of the questions we plan to ask, without the need to reschedule this depo.

Please be advised that we nevertheless plan to appear on Jan. 29 at 9:00 AM and go on the record. We will be prepared to proceed with the Mills depo at that time, and if she does not appear, you can expect we will be raising that very serious violation of the discovery rules with the court.

Otherwise, we can confer with you on Friday, as you suggested, and we expect to have a final amended complaint redline for you within the next 24 hours.

Thanks.

Del Kolde
Senior Attorney
Institute for Free Speech

From: Glover, Joel <jglover@jw.com>
Sent: Monday, January 22, 2024 18:31
To: Del Kolde <dkolde@ifs.org>
Cc: Babcock, Chip <cbabcock@jw.com>; Dow, Matt <mdow@jw.com>; Aston, Adam <aaston@jw.com>; Vaughn, Cody <cvaughn@jw.com>; Barake, Gabriela <gbarake@jw.com>; Gonzalez, Javier <jgonzalez@jw.com>; Courtney Corbello <ccorbello@ifs.org>; Nathan Ristuccia <nristuccia@ifs.org>; michael@lovinslaw.com
Subject: UT/Lowery - Draft Complaint/Scope of Discovery/Mills Depo

Del,

Thanks again for your time on the phone last week. Three things:

1. Confirming that we'll be in a position to meet and confer on plaintiff's request to amend the complaint on Friday at 10am CT. We'll send an invite.
2. It doesn't look like we agree on the scope of discovery related to President Hartzell or Robert Hartzell's application to his current UT program. I appreciate the time you took to share plaintiff's theory with us, but in addition to a number of disagreements on Lowery's factual assertions, many of which appear in the draft amended complaint, it doesn't relate to plaintiff's case (or even the proposed amended count two) in a way that brings it within the confines of Rule 26(b). So we intend to seek a protective order from the Court against this type of discovery.
3. Relatedly, it's clear from the past two depositions that you intend to ask all UT witnesses about these topics, regardless of their lack of personal knowledge on the subject. So we are resetting the deposition of Dean Mills until we can get a ruling from the Court on our motion for protective order. She is available on February 15, 16, or 26, all of which are after our discovery hearing with Judge Howell. If the Court does not rule on our motion that day, then we may need to find a later date, but we are of course willing to work with you on that.

We are happy to discuss any of this. Many thanks.

Best,
Joel

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